



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #14

In re application of:

CHEO *et al.*

Appl. No. 09/732,914

Filed: December 11, 2000

For: **Use of Multiple Recombination
Sites with Unique Specificity in
Recombinational Cloning**

Confirmation No. 2341

Art Unit: 1636

Examiner: Ketter, James S.

Atty. Docket: 0942.5010002/RWE/BJD

**Second Supplemental Information Disclosure Statement
and Fee Under 37 C.F.R. § 1.97(c)**

01/31/2003 BSAYASI1 00000037 09732914

01 FC:1806

180.00 DP

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on May 3, 2002, in connection with the above-captioned application. A copy of each document is also provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, concise explanation of the relevance of non-English language documents AP5 and AM6 cited on Form PTO 1449:

Document **AP5**, WO 98/53056, is in the German language. An English language abstract appears on the face page of this document.

Document **AM6**, WO 99/25851, is in the Japanese language. An English language abstract appears on the face page of this document.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Second Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. The fee for submission of an Information Disclosure Statement under 37 C.F.R. § 1.17 (p) is believed to be \$180.00. Fee payment is provided in the accompanying Form PTO-2038 Credit Card Payment form.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

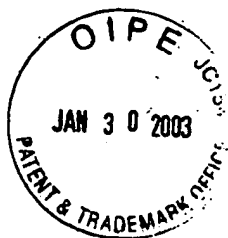
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: Jan. 30, 2003

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcom
Robert C. Millonig
Lawrence B. Bugaisky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Jeffrey T. Helvey*
Heidi L. Kraus
Edward W. Yee
Albert L. Ferro*
Donald R. Banowitz
Peter A. Jackman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Albert J. Fasulo II*
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono

Virgil Lee Beaton*
Kimberly N. Reddick
Theodore A. Wood
Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Uhler
Rae Lynn Prengaman
Jane Shershenovich*
Lawrence J. Carroll*
George S. Bardmesser
Daniel A. Klein*
Rodney G. Maze
Jason D. Eisenberg
Michael A. Specht
Andrea J. Kamage
Tracy L. Muller*

Jon E. Wright*
LuAnne M. Yuricek*

Registered Patent Agents*
Karen R. Markowicz
Nancy J. Leith
Ann E. Summerfield
Helene C. Carlson
Gaby L. Longworth
Matthew J. Dowd
Aaron L. Schwartz
Angelique G. Uy
Boris A. Matvenko
Mary B. Tung
Katrina Y. Pei
Bryan L. Skelton
Robert A. Schwartzman
John J. Figueroa

1636
\$
Timothy A. Doyle
Jennifer R. Mahalingappa
Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford
W. Brian Edge

Senior Counsel
Samuel L. Fox
Kenneth C. Bass III
Lisa A. Dunner

*Admitted only in Maryland
*Admitted only in Virginia
*Admitted only in Texas
*Practice Limited to
Federal Agencies

January 30, 2003

TECH CENTER 1600/2900
FEB 03 2003
RECEIVED

WRITER'S DIRECT NUMBER:
(202) 772-8525
INTERNET ADDRESS:
BRIAND@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Art Unit 1636

Re: U.S. Utility Patent Application
Appl. No. 09/732,914; Filed: December 11, 2000
For: **Use of Multiple Recombination Sites with Unique Specificity in
Recombinational Cloning**
Inventors: CHEO *et al.*
Our Ref: 0942.5010002/RWE/BJD

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Second Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c);
2. Form PTO-1449 (7 pages) citing 47 documents;
3. Copies of documents AE4-AK4, AP4, AR82-AT82, AA5-AG5, AL5-AP5, AR83-AT83, AL6-AP6, AR84-AT84, AL7-AM7, AR85-AT85, AR86-AT86, AR87-AT87 and AR88-AS88;
4. PTO Fee Transmittal (Form PTO/SB/17);
5. Form PTO-2038 Credit Card Payment Form; and
6. A return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
January 30, 2003
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Enclosures

BJD/JKM:amr

::ODMA\MHODMA\SKGF_DC1;97249;1
SKGF Rev. 2/15/02 dcw